

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5: 09 -CV- 00352 – F

FILED

AUG 10 2009

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY AM DEP CLK

THE NEIGHBORS LAW FIRM, P.C., and
PATRICK E. NEIGHBORS, as

Plaintiffs,

vs.

HIGHLAND CAPITAL MANAGEMENT, LP
and HYSKY COMMUNICATIONS, LLC,

Defendants.

AMENDED COMPLAINT
FED. R. CIV. P. 15(a)(1)(A)

COME NOW Plaintiffs, pursuant to F.R.C.P. 15(a)(1)(A), and amend their initial Complaint. Plaintiffs have not yet been served with a responsive pleading to their initial Complaint. As alternative pleading to their First Cause of Action, Plaintiffs plead the following:

EIGHTH CAUSE OF ACTION

31. Plaintiffs reallege and incorporate herein all previous allegations contained in this Complaint.

32. Between on or about December 1, 2006 to September 30, 2007, Plaintiffs performed legal services for Defendants for which payment was expected, Defendants knowingly and voluntarily accepted the services of Plaintiff with knowledge that payment was expected, and Defendants benefited from the provision of such services. Defendants have failed to remit payment for such services. As a direct and proximate cause of the Defendants' failure to remit payment for such services, Plaintiffs are entitled to recover compensatory damages in *quantum*

meruit, and to recover a reasonable value for the services rendered Defendants to prevent unjust enrichment, in excess of TEN THOUSAND DOLLARS (\$10,000.00).

NINTH CAUSE OF ACTION

33. Plaintiffs reallege and incorporate herein all previous allegations contained in this Complaint.


34. Between on or about December 1, 2006 to September 30, 2007, Plaintiffs performed legal services for Defendants for which payment was expected, Defendants knowingly and voluntarily accepted the services of Plaintiff with knowledge that payment was expected, and Defendants benefited from the provision of such services. Defendants have failed to remit payment for such services. As a direct and proximate cause of the Defendants' failure to remit payment for such services, Plaintiffs are entitled to recover compensatory damages resulting from quasi-contract or implied contract in excess of TEN THOUSAND DOLLARS (\$10,000.00).

AND FURTHER,

35. In Paragraph 18 of Plaintiffs' Complaint, the phrase "Between on or about December 1, 2007 to September 30, 2007" should be amended to read "Between on or about December 1, 2006 to September 30, 2007."

This the 7th day of August, 2009.

By:


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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2009, I served the foregoing AMENDED
COMPLAINT upon counsel of record by first class postage-paid United States Mail addressed to
the following:

F. Hill Allen, Esq.
Tharrington Smith, LLP
209 Fayetteville Street Mall
Post Office Box 1151
Raleigh, NC 27602

Counsel for Defendant Highland Capital Management, LP

Barney Stewart III
Bryan Cave, LLP
One Wachovia Center
301 S. College Street, Suite 3700
Charlotte, NC 27202

Counsel for Defendant HySky Communications, LLC

This the 7th day of August, 2009.

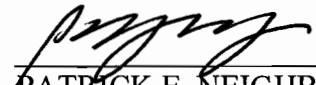
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